

March 11, 2021



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 16163
(SECOND REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes a 5-year periodic pressure test on UN portable tanks used in the transport of a Division 4.3 material to be performed pneumatically (with nitrogen) rather than hydrostatically (with water). This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 180.605(h)(3) in that the 5-year periodic pressure test on UN portable tanks may be performed pneumatically (with nitrogen) rather than hydrostatically (with water); and §172.203(a) and §172.302(c) in that the special permit number is not required to be marked on the shipping paper and package, respectively.
5. BASIS: This special permit is based on the application of The Dow Chemical Company dated September 28, 2020, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Organometallic substance, solid, pyrophoric, water-reactive*	4.2	UN3393	I
Organometallic substance, solid, water-reactive, flammable*	4.3	UN3396	I
Combustible liquid, n.o.s.*	Comb liq	NA1993	III
Organometallic substance, liquid, water-reactive*	4.3	UN3398	III
Organometallic substance, liquid, water-reactive, flammable*	4.3	UN3399	II
Environmentally hazardous substance, liquid, n.o.s.*+	9	UN3082	III

* Requires technical name in accordance with § 172.203(k)

+ This material may be transported as a marine pollutant in accordance with the applicable requirements of the HMR as authorized in Appendix B to §172.101 - List of Marine Pollutants.

7. SAFETY CONTROL MEASURES:

a. PACKAGING: The packaging prescribed is a UN portable tank "T9", a UN portable tank "T11", or a UN portable tank "T21" conforming in all details to the applicable requirements in Part 178 of the HMR, and meeting the following requirements:

(1) Portable tanks used for the transport of the authorized solid hazardous material(s) must have a maximum capacity not exceeding 122 gallons (460 liters), and a pneumatic test pressure of not less than 1.5 times the maximum allowable working pressure and not to exceed 18.5 bar (270 psig);

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(2) Portable tanks used for the transport of the authorized liquid hazardous material(s) must have a maximum capacity not exceeding 122 gallons (460 liters), and a pneumatic test pressure of not less than 1.5 times the maximum allowable working pressure and not to exceed 13.5 bar (196 psig);

b. TESTING: Authorized UN portable tanks are required to be pressure tested periodically in accordance with all applicable requirements of the HMR except that:

(1) The Sparkman Industries, Inc. UN Portable Tank 5.0 Year Periodic Inspection and Test Procedure Overview & Safety Equipment Measures on file with the Approvals and Permits Division must be complied with during testing of the authorized portable tanks.

(2) Portable tanks used in the transport of the authorized hazardous material(s) indicated in paragraph 6 of this special permit may be pneumatically tested using nitrogen. The pressure must be gradually increased until the test pressure is achieved, and that pressure must be maintained for sufficient time to allow the portable tank to be inspected for leaks or other unsafe condition.

c. OPERATIONAL CONTROLS:

(1) Portable tanks marked with the serial numbers on file with the Approvals and Permits Divisions are authorized to be tested under the terms of the special permit. PHMSA must be notified in writing when additional portable tanks are added.

(2) Portable tanks tested under the terms of the special permit must remain in dedicated service for the solid hazardous material as indicated in paragraph 6 of this special permit.

(3) Portable tanks covered by this special permit are considered to have remained in dedicated service when the materials classed as "UN3082, Environmentally Hazardous Substance" are shipped domestically as non-hazardous materials.

8. SPECIAL PROVISIONS:

a. A copy of the special permit would not be required to accompany each shipment during transportation, but must be maintained at the location where pressure testing is performed and be made available to a DOT representative upon request.

b. Notwithstanding the requirements of 49 CFR 172.203(a), the special permit number would not be required to be notated on the shipping paper.

c. Notwithstanding the requirements of 49 CFR 172.302(c), the special permit number would not be required to be marked on the package.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle, Cargo Vessel and Rail Freight.

10. MODAL REQUIREMENTS: None.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

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Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: VMC/TG